

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

UNITED STATES OF AMERICA

CRIM. NO. 06-60021-01-08

VERSUS

JUDGE MELANCON

JONATHAN WINTERS, ET AL

MAGISTRATE JUDGE HILL

JUDGMENT

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. The Court accepts that the Government's current lead counsel is in absolute good faith in making the assertions he has made in his objections to the Magistrate Judge's Report and Recommendation. These assertions are apparently based on a reading of various transcripts of hearings and minutes of court created by the Court to memorialize certain events. While the presiding judge's memory is not pristine but it is based on having actually been present. It is noted that the cold, sterile transcripts and less than complete minutes of court¹ do not fully reflect the disdain and dismay of the presiding district judge as to the way this case was being handled by the then prosecuting attorney and his failure to comply with not only the letter, but also the spirit, of various verbal instructions and orders of the Court. *Apparently*, and the Court uses the term advisedly, the magistrate judge had a similar impression of the attorney's conduct.

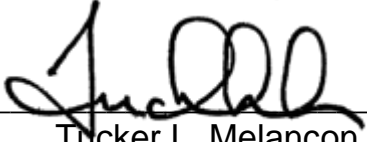
¹ The minutes of court produced by the undersigned were purposely designed to be as benign as possible so as not to too adversely affect the career of the previous Assistant United States Attorney, who, as the government's current counsel points out, is no longer in the employ of United States Attorney's office.

The Court notes further that the general manner in which this proceeding had been handled by the previous prosecutor was brought to the attention of the United States Attorney, the Chief Assistant United States Attorney, the Chief Criminal Assistant United States Attorney, and the Division Chief Assistant United States Attorney in a meeting conducted in chambers in another case, on March 10, 2008 – well after the employment relationship with the former prosecutor had been severed.

After an independent review of the record, including the objections filed herein, the Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

IT IS ORDERED that the Motions to Dismiss on Speedy Trial by Jessie Alfred [rec. doc. 192], Richard Allen [rec. doc. 193], Chad Zeno [rec. doc. 197], Tellis Vallier [rec. doc. 202], Perry Laday [rec. doc. 203], Jonathan Winters [rec. doc. 206], James Joseph [rec. doc. 207], and Troy Boudreaux [rec. doc. 214] are **GRANTED**, and that the indictment is hereby **DISMISSED WITHOUT PREJUDICE**.

THUS DONE AND SIGNED in Lafayette, Louisiana this 3rd day of December, 2008.



Tucker L. Melançon
United States District Judge